



DEFENSE INVESTIGATIVE SERVICE  
1900 HALF STREET, S.W.  
WASHINGTON, D.C. 20324

8 JUL 1980

MEMORANDUM FOR DIRECTOR, SECURITY PLANS AND PROGRAMS, DUSD (POLICY REVIEW)

SUBJECT: Investigative Standards Working Group - Personnel Security Survey

The Working Group's Report has been reviewed and the following comments are provided for your consideration. The report is very well organized and obviously we are in no position to challenge the accuracy of the data. However, three of the findings are addressed below.

First, both the 1977 Study and the current survey suggest that a personal interview of the subject should be included as a part of any background investigation. The DIS experience in interviewing subjects in the "YANKEE SKI" program indicates that the subject interview has not been a factor in eliminating individuals from Special Compartmented Information (SCI) consideration. It is recognized that DIS interviews SCI applicants only in the industrial program and the interviews conducted in the civilian and military programs may be highly productive. The "TEST BI" project, which is still pending, hopefully will provide additional data on the productivity of routine subject interviews. Second, the Working Group Report concluded that the National Agency Check (NAC) is generally not productive. The NAC in DOD personnel security programs has been considered to be highly productive, particularly with respect to identifying arrest records through the FBI. Third, the report asserts that investigative scopes of less than 15 years risk losing substantial amounts of significant data. According to the report, police checks, developed sources and, to a lesser extent, employment records and interviews were productive for periods in excess of seven years. This conclusion would appear to warrant close analysis of the criteria used for "resolved against data" in these cases. It has been generally accepted that recency of information is most critical in the final determination for granting or denying a clearance or access.

The thrust of this study would be to increase investigative coverage. Any increase in coverage without an increase in resources would undoubtedly extend current case completion times which already exceed 100 days and are climbing. Therefore, any increase in investigative requirements should be weighed against these anticipated delays in case completions. In summary, this study must be carefully and critically evaluated prior to any decision which would change the scope of personnel investigations.

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Director

On file OSD release instructions  
apply.

SUBJECT: DCI Security Committee Investigative Standards Working Group Personnel Security Survey; Comments Concerning Recommendations

In accordance with your request, comments and observations concerning recommendations based on subject report and forwarded by SECOM-D-235 of 5 June 1980, are provided.

Generally, at this time, the recommendations accompanying the report must be considered in an abstract sense. Discussion of them now has to be in the context of the future availability of resources, e.g., if money and manpower become available, will the recommendations concerning Sensitive Compartmented Information be feasible?

The recommendations dealing with access to Sensitive Compartmented Information (the only ones considered properly within the purview of this study), should be placed in the context of DCID 1/14 so that it is clear that their acceptance will change the scope of investigative coverage for access to Sensitive Compartmented Information.

While many of the members of the Security Committee employ investigative coverage as imposed by DCID 1/14 for determinations of suitability for employment as well as access to classified information, the Department with the largest number of personnel employed as well as with access to SCI, the Department of Defense, does not do so and cannot do so. Therefore, the Department of Defense position must be expressed in terms of recommendations that will apply to its personnel, i.e., active duty military personnel serving under enlistment contracts or commissioning agreements that do not require access to classified information let alone Sensitive Compartmented Information as conditions of employment; a large civilian work force all of whom other than those in the Excepted Service (Intelligence Personnel), are employed without regard for access to Sensitive Compartmented Information, and many, without regard for access to any level of classified information.

The recommendations, therefore, should take cognizance of the particular circumstances applicable to the Department of Defense and the Military Departments as the recommendations affect policy directed at access to Sensitive Compartmented Information.

It is recognized that there is concern that decompartmentation and sanitization initiatives allowable under APEX will place much more intelligence information in the hands of consumers at standard levels of classification, and that all of the "hands" in which the information is placed will not meet the investigative standards of the agencies in the Intelligence Community who impose DCID 1/14 standards on all of their personnel. The Department of Defense appreciates that concern but we must wonder what difference there will be between that new situation and the one now existing in which decompartmented imagery and derived information and sanitized Communications

Intelligence finds its way into the hands of personnel of the DoD who meet less stringent investigative criteria. The argument that it is a matter of volume doesn't speak to the issue of sensitivity. The decompartmentation and sanitization process removes the sensitive intelligence sources and methods under the protective purview of the DCI; therefore, the information while still intelligence information, is reduced in sensitivity and lowered in protection requirements as well as protection priority. Those are basic precepts of the APEX Special Access Control System - to make more information available to decision makers at standard levels of classification, generally at the SECRET level. Attendant to this precept have been marketing arguments that costs will be reduced over the years and certainly one of the cost reductions originally considered was the difference between the cost of a standard background investigation and a special background investigation in the Department of Defense.

During the deliberations of the NFIB Working Group on Compartmentation which refined the Vogt Report and preceded the formation of the APEX Steering Group, there was consideration given to establishing a separate investigative scope for personnel with access to National Foreign Intelligence. Following presentation of evidence to show its impracticability by the DOD, the DCI upheld the recommendation of the Chairman, NFIB Working Group on Compartmentation, that the effort not be pursued. Establishing separate criteria for access to TOP SECRET data would seem to fall in the same category and is outside the purview of the SECOM.

With this preamble, specific comments and suggested modifications to the recommendations submitted by the Acting Chairman, Investigative Standards Working Group, in SECOM-D-235 of 5 June 1980, are submitted.

The following comments are keyed to the recommendations proposed by SECOM-D-235:

1. The polygraph examination should be a prerequisite for access to SCI Information.

There is objection of a significant nature to such a recommendation within the Department of Defense and the Military Departments. Such use of the polygraph is contrary to long-standing policy of the Department of Defense.

It is recommended that the DCI Security Committee not accept recommendation 1.

2. In order to afford the greatest protection to SCI material, the investigative period of coverage should be fifteen years with intensive coverage in selected areas for the past ten years.

The meaning of this recommendation is not clear. It is presumed that certain coverage now prescribed for five-year periods would be increased to 10 years but the total period of coverage for cases involving access to Sensitive Compartmented Information would remain at 15 years.

3. Periodic reinvestigations, with field inquiry should continue to be required. Each reinvestigation should include at least developed sources, police and credit checks, and, for SCI access, a polygraph examination.

The phrase, "for SCI access", in this recommendation implies that the recommendation applies to the investigative scope for access to information at standard levels of classification. The study on which the recommendation is based was derived from data taken from Special Background Investigations conducted to determine eligibility for access to Sensitive Compartmented Information. On that basis, and because the imposition of investigative standards for access to classified information other than SCI, is beyond the scope of the charter of the DCI Security Committee, that part of the recommendation is rejected.

The recommendation, as proposed, would add the interviews of developed sources and a polygraph examination to the present reinvestigation scope. The same comments previously stated concerning the polygraph are applicable to this recommendation.

The requirement for periodic reinvestigation of personnel with access to SCI is accepted.

4. Investigative agencies should be granted the discretion to:
- a. eliminate residence checks provided there is adequate coverage of developed sources with knowledge of the subject's activities and life style; and,
  - b. ~~verify~~ birth and educational records <sup>may be verified</sup> by mail when there is no other reason to visit the source location.

Despite the fact that in actual practice some compensatory coverage must be agreed to by requesting agencies in concert with the investigators, and that waivers of certain minor investigative deficiencies may be agreed to by requestors, the recommendation above calls attention to possible deviations from approved investigative requirements. These exceptions to policy are better left unwritten so it is proposed that the DCI Security Committee not accept this recommendation.

5. Based on the definition of TOP SECRET Information in Executive Order 12065, we strongly urge that a 15-year period of coverage (similar to that set forth in DCID 1/14) be adopted for protection of TOP SECRET material. Such expanded coverage may not represent as great a demand in additional resources as it is commonly believed. This survey has amply shown the utility and efficiency of an increased period of coverage.

As previously stated, formulating and imposing policy concerning investigative standards for personnel requiring access

to information at the standard levels of classification only is beyond the scope of the DCI Security Committee and this recommendation should not be accepted by the Committee. An acceptable alternative might be:

"As a matter of common concern, the DCI Security Committee encourages each organization of the intelligence Community to review the period of investigative coverage required now for those personnel who will be afforded access to TOP SECRET intelligence information."

6. A personal interview with the subject, conducted by a professionally trained investigator, should be a mandatory part of every background investigation. The scope of the personal interview should also be examined in greater detail. At least two topics for a possibly expanded scope involve matters dealing with financial responsibility and medically related matters.

Again, this recommendation imposes investigative requirements on agencies conducting investigations of personnel who require access to information at standard levels of classification only, and it is proposed that it might be rewritten as follows:

"The DCI Security Committee should consider the feasibility of requiring the interview of each nominee for access to Sensitive Compartmented information by a trained professional investigator."

The Department of Defense will defer final decision on efficacy of expanded use of the personal interview until a study of its use now underway by the Defense Investigative Service is completed and the results have been analyzed.

It is recommended that the second part of the recommendation cited above, be made a separate recommendation as follows:

"It is recommended that the DCI Security Committee examine the scope of the personal interview of nominees for access to Sensitive Compartmented Information and develop guidelines for use by the interviewer and that emphasis is placed on those areas of the individual's life most likely to be problematic."

7. If, due to economic restraints, reduced scoping becomes mandatory for other than SCI access, the following elements of coverage should be retained in the background investigation:

- a. personal interview with subject,
- b. police checks (15 years),
- c. developed sources (15 years),
- d. employment records checks (15 years),

- e. employment personal interviews (10 years),
- f. credit checks, and
- g. the National Agency Check (NAC).

This recommendation imposes investigative requirements for other than SCI cases and its rejection is recommended. If it were intended as an optional investigative scope for SCI cases, it should be rejected anyway since investigative standards as imposed by DCID 1/14 should not be modified except by revision of the directive.

8. Every effort should be made to retain the availability of comprehensive police checks to the Federal Investigative Community and the DCI Security Committee should continue to support legislation to that effect.

Recommend acceptance of this recommendation as modified by emphasized words.

9. The Security Committee should take the initiative to establish an interagency seminar for Intelligence Community adjudicators. (It is noted that the Investigative Standards Working Group has also been tasked by the Security Committee to conduct a feasibility study on this subject.)

This recommendation should be accepted by the DCI Security Committee.

10. Based on the data in this study, the Security Committee should sponsor a follow on survey in 1981 as a part of a continuing review of DCID 1/14 investigative standards.

The following modification to the above recommendation is proposed:

"The DCI Security Committee should charge the Investigative Standards Working Group to begin a review of DCID 1/14 in accordance with Committee action on the other recommendations of this report."